

FORTY-FIRST DAY

(Monday, March 24, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gandy
Allen	Garland
Allison	Gilmer
Alsup	Goodman
Avant	Halsey
Bailey	Hanna
Baker	Hardeman
Bean	Hargis
Bell	Harris of Dallas
Benton	Harris of Hill
Blankenship	Hartzog
Boone	Heflin
Brawner	Helpinstill
Bray	Henderson
Bridgers	Hileman
Brown	Hobbs
Bruhl	Howard
Bullock	Howington
Bundy	Hoyo
Burkett	Huddleston
Burnaman	Huffman
Carlton	Hughes
Carrington	Humphrey
Cato	Hutchinson
Celaya	Isaacks
Chambers	Jones
Clark	Kelly
Cleveland	Kennedy
Coker	Kersey
Colson, Mrs.	Kinard
Connelly	King
Craig	Klingeman
Crossley	Knight
Crosthwait	Lansberry
Daniel	Lehman
Davis	Leyendecker
Deen	Little
Dickson of Bexar	Lock
Dickson of Nolan	Love
Donald	Lowry
Dove	Lucas
Duckett	Lyle
Ellis	McAlister
Eubank	McCann
Evans	McDonald
Favors	McGlasson
Ferguson	McLellan
Files	McMurry
Fitzgerald	McNamara
Fuchs	Manford

Manning	Senterfitt
Martin	Sharpe
Matthews	Shell
Mills	Simpson
Montgomery	Skiles
Moore	Smith of Bastrop
Morgan	Smith of Atascosa
Morris	Spacek
Morse	Spangler
Murray	Stanford
Nicholson	Stinson
Pace	Stubbs
Parker	Taylor
Pevehouse	Thornton
Phillips	Turner
Price	Vale
Rampy	Voigt
Reed of Bowie	Walters
Reed of Dallas	Wattner
Ridgeway	Weatherford
Roark	White
Roberts	Whitesides
Rhodes	Winfree
Sallas	

Absent—Excused

Anderson	Markle
Dwyer	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we thank Thee that we are privileged to resume our duties this morning. The conditions under which we work challenge our best, in wisdom, in tolerance, and in co-operation. Thy word calls us to prayer, and Thy promise is that Thou wilt hear. Clear our thoughts, and lead us Thy ways. For Jesus' sake. Amen."

(Mr. Reed of Dallas in the Chair.)

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Dwyer for today on motion of Mr. Nicholson.

Mr. Anderson was granted leave of absence for this morning, on account of illness, on motion of Mr. Nicholson.

Mr. Markle was granted leave of absence for today, on account of death in family, on motion of Mr. Brown.

COMMUNICATIONS

The Chair laid before the House and had read the following communications:

Sunday 3-23-41

Dear Mr. Speaker:

I wish to sincerely thank you and the author, Jack Little, and the entire House for the most beautiful resolution on my sainted mother's death. It comforted the bereaved family, and was a just tribute to a pioneer mother and a true democrat.

Will you invite the entire membership of the House to come out to Camp Bowie and see Texas boys being trained to be real soldiers? We will appreciate your coming. It will inspire the men.

I wish I could be present today, Mr. Speaker, but I have faith in true Texans not requiring a man to defend the home front while he is training boys to defend America!

(Signed) ERNEST O. THOMPSON.

Wendell L. Willkie
109 East 42nd Street
New York City

March 19, 1941.

My dear Mr. Lindley:

I have received your gracious invitation by way of a Concurrent Resolution of your legislative bodies.

I should like to come to Texas to make the talk and I am flattered that I am thus invited to come. I am, however, at present laboring under such a heavy schedule it is impossible for me to take on any more engagements.

I shall be grateful to you, however, if you will convey my thanks and respects to the House of Representatives and the Senate of the State of Texas.

Cordially yours,

WENDELL L. WILLKIE

Mr. E. R. Lindley,
Chief Clerk,
House of Representatives,
Austin, Texas.

BILL RE-REFERRED

Mr. Klingeman moved that House Bill No. 120 be withdrawn from the Committee on Oil, Gas and Mining and referred to the Committee on Game and Fisheries.

Mr. Harris of Dallas moved to table the motion by Mr. Klingeman.

The motion to table was lost.

(Speaker in the Chair.)

Mr. Clark moved as a substitute motion that House Bill No. 120 be withdrawn from the Committee on Oil, Gas and Mining and referred to the Committee on Conservation and Reclamation.

The substitute motion by Mr. Clark prevailed.

The motion, as substituted, prevailed.

MOTION TO RE-REFER

H. B. No. 416

Mr. Lowry moved to suspend the Rules in order that a motion may be made to reconsider the vote by which House Bill No. 416 was recommitted to the Committee on Counties.

The motion to suspend the Rules was lost by the following vote:

Yeas—46

Avant	Hutchinson
Bailey	Isaacks
Baker	Kennedy
Bell	Kersey
Benton	Kinard
Boone	Knight
Bray	Lansberry
Brown	Love
Bullock	Lowry
Carlton	Lyle
Connelly	McLellan
Craig	Matthews
Crossley	Mills
Daniel	Morris
Dickson of Bexar	Morse
Dove	Nicholson
Duckett	Price
Eubank	Ridgeway
Favors	Smith of Bastrop
Garland	Thornton
Halsey	Vale
Hobbs	Wattner
Hoyo	Whitesides

Nays—82

Allen	Burnaman
Allison	Carrington
Alsup	Cato
Blankenship	Chambers
Brawner	Clark
Bruhl	Cleveland
Bundy	Coker

Colson, Mrs.	McDonald
Crosthwait	McGlasson
Davis	McNamara
Deen	Manford
Dickson of Nolan	Manning
Donald	Martin
Ellis	Montgomery
Evans	Moore
Files	Morgan
Fitzgerald	Murray
Fuchs	Pace
Gandy	Parker
Gilmer	Pevehouse
Goodman	Phillips
Hanna	Rampy
Hardeman	Reed of Bowie
Hargis	Reed of Dallas
Harris of Dallas	Roberts
Harris of Hill	Rhodes
Hartzog	Sallas
Helpinstill	Senterfitt
Henderson	Shell
Hileman	Simpson
Howard	Skiles
Howington	Spacek
Huffman	Spangler
Hughes	Stanford
Jones	Stinson
Kelly	Stubbs
King	Taylor
Lehman	Turner
Lucas	Walters
McAlister	Weatherford
McCann	White

Absent

Bean	Leyendecker
Bridgers	Little
Burkett	Lock
Celaya	McMurry
Ferguson	Roark
Heflin	Sharpe
Huddleston	Smith of Atascosa
Humphrey	Voigt
Klingeman	Winfree

Absent—Excused

Anderson	Markle
Dwyer	

Mr. Lowry moved that House Bill No. 416 be withdrawn from the Committee on Counties and referred to the Committee on Common Carriers.

Mr. Hanna moved to table the motion by Mr. Lowry.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allén	Jones
Allison	Kelly
Alsup	Kinard
Bell	King
Blankenship	Leyendecker
Brawner	Lucas
Bray	McDonald
Bruhl	McGlasson
Bullock	McLellan
Burnaman	McNamara
Carrington	Manford
Cato	Manning
Chambers	Martin
Cleveland	Montgomery
Coker	Moore
Colson, Mrs.	Morgan
Crosthwait	Murray
Davis	Pace
Deen	Parker
Dickson of Nolan	Pevehouse
Donald	Phillips
Ellis	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Garland	Roberts
Gilmer	Rhodes
Goodman	Senterfitt
Halsey	Sharpe
Hanna	Shell
Hardeman	Skiles
Hargis	Spacek
Harris of Dallas	Stanford
Harris of Hill	Stinson
Heflin	Taylor
Helpinstill	Turner
Hileman	Walters
Howard	Weatherford
Howington	White
Huffman	Whitesides

Nays—47

Avant	Favors
Bailey	Ferguson
Baker	Hartzog
Benton	Hobbs
Boone	Hoyo
Brown	Hughes
Bundy	Hutchinson
Carlton	Isaacks
Connelly	Kennedy
Craig	Kersey
Daniel	Klingeman
Dickson of Bexar	Knight
Dove	Lansberry
Duckett	Love
Eubank	Lowry

Lyle	Ridgeway
McAlister	Roark
McCann	Sallas
Matthews	Simpson
Mills	Smith of Bastrop
Morris	Thornton
Morse	Vale
Nicholson	Wattner
Price	

Absent

Bean	Humphrey
Bridgers	Lehman
Burkett	Little
Celaya	Lock
Clark	McMurry
Crossley	Smith of Atascosa
Evans	Spangler
Fuchs	Stubbs
Gandy	Voigt
Huddleston	Winfree
Henderson	

Absent—Excused

Anderson	Markle
Dwyer	

REPORT OF INVESTIGATING COMMITTEE IN REGARD TO OLD AGE ASSISTANCE

On motion of Mr. McNamara the following report was ordered printed in the Journal:

Report of INVESTIGATING COMMITTEE of the OLD AGE ASSISTANCE DIVISION OF THE DEPARTMENT OF PUBLIC WELFARE OF THE STATE OF TEXAS

As authorized by the House of Representatives of the 47th Legislature of the State of Texas, by House Resolutions Nos. 71 and 103.

Hon. Homer L. Leonard, Speaker of the House of Representatives:

Sir: Now comes the Committee as authorized by House Resolutions Nos. 71 and 103, and makes this its report to the House of Representatives of the Forty-seventh Legislature of the State of Texas:

To the Members of the House of Representatives of the Forty-seventh Legislature:

The House Investigating Commit-

tee of the Old Age Assistance Division of the Department of Public Welfare of the State of Texas held five public hearings in different sections of Texas.

At those hearings a part of the time was devoted to hearing the testimony of recipients or applicants for old age assistance, and the other part of the hearing was devoted to the taking of testimony from the Department of Public Welfare workers.

The Committee has compiled a rather voluminous record in regard to those witnesses, but in this report we shall only attempt to point out the high-lights of the investigation.

The Committee has found that the entire program of the Department of Public Welfare has been based upon what is called the social welfare phase of this type of work. The workers consider themselves social welfare workers and have so readily testified before this Committee. A large number of them belong to the Texas Social Welfare Association, and attended an institute in Galveston last summer, which was given by the association.

In connection with some of the salient points ascertained by the Committee, the following are enumerated:

The Committee found that an investigator now working in the Wichita Falls area, and receiving \$175.00 per month in salary had his mother and father on the old age assistance rolls in another County near Wichita County at \$18.00 per month apiece.

In the Fort Worth office of the Tarrant County Area it was brought out from the testimony of Miss Scholl that she had received instructions from her Supervisor to call negroes "Mr." and "Mrs." in her dealings with them, and she testified that she had so done and was still doing it. This fact was also proven in the testimony of Mrs. Grace Hays, a worker in McLennan County, in which she testified that she had been instructed by her supervisor, Miss Elizabeth Patton, to call negroes "Mr." and "Mrs." in her conversation with them; and she further testified that Miss Elizabeth Patton

said that she had received her orders from Mr. Carl Flaxman, who was at that time, and still is, Field Representative of the Department of Public Welfare.

The Committee found that the workers, in writing up the cases, typed long narrative reports, in which every phase of the applicant's former and present condition was gone into. One such narrative report by Mrs. Clare Downs, of Bowie County, Texas, is incorporated in the record of this Committee, and in this particular case the recipient of the grant was re-investigated, and the worker wrote up a narrative report of a great many typewritten pages, which was devoted to the marital troubles of the recipient, and the conclusion reached by the worker in the case was that his grant was left exactly where it was, at \$19.00 per month. This case is a perfect example of the social welfare phase of the program. It was brought out in Tarrant County that Miss Frances Neal, who was an intake worker, started a narrative report as follows:

"The applicant is small of stature and rather nice of appearance and general bearing, by reason of an old-fashioned mustache and clothes worn, neat and nicely pressed, being over-alls."

Worker admitted upon examination that this had nothing to do with whether or not the applicant was eligible for old age assistance. In another case in Bowie County, by Mrs. Clare Downs, a worker, she wrote up a narrative report as follows:

"Mr. Brown is a frail man with white hair and nervous manner, wore glasses on the end of his nose, and seated himself in an old rocking-chair."

This is a further illustration of the degree to which the social welfare phase has dominated the program.

The Committee found that six different forms are filled out if a person is placed on the old age assistance rolls, and that one of those forms was known as Form A-4, and such form covered income-in-kind. Under this form chickens and eggs were counted, cows, hogs, garden, and every other article or commodity

was covered which might come under income-in-kind. A number of the workers, including Mr. George L. Herbert, Area Supervisor of the Nacogdoches Area, testified that this could be eliminated and save considerable time, and it was brought to the attention of the Committee that on the 14th day of February, 1941, the Field Workers and Area Supervisors were instructed by the office in Austin to discontinue use of Form A-4, which was the income-in-kind rural resource sheet.

The Committee found that great latitude is given the worker in writing up the narrative report, and that they have a wide discretion at their disposal as to whether or not a person shall be placed on the rolls. During the time that Adam R. Johnson was Executive Director of the Department of Public Welfare, only cases that were in acute need were considered, and a person could not be placed on the rolls if he was eligible under the statutes. This was the policy during the entire time of the Adam R. Johnson administration, and was changed when Mr. J. S. Murchison was appointed Director of this Department. Since that time there has been an improvement in the manner in which applications were accepted and the manner in which applicants were investigated and placed upon the rolls. For a time in September, 1939, and for several months, it was the practice of the Department to only accept applicants as recipients were deceased; that is proven by a letter which as a part of the findings of this Committee. After the adjournment of the Forty-sixth Legislature, applicants for old age assistance were allowed to register and led to believe that they would be placed on the rolls, and up until this time their applications have not been acted upon.

The Committee found that great discrepancy existed in the manner in which different Areas received applications of applicants for assistance; for example, in McLennan County the office had a policy of appointment was practiced, and the applicant was registered, and would have to wait two months before he could be interviewed by the intake worker; after that time it took several

more months before the investigator went into the facts of his case. In other areas certain days in the week were set aside for applicants to be interviewed by the intake worker.

The Committee found that the provision in Senate Bill No. 9, passed by the Forty-sixth Legislature was stated that a person should not be eligible for old age assistance if he had in excess of \$360.00 in cash, was being flagrantly violated. Numerous cases were found in which applicants were refused old age assistance because they had a smaller amount than that in cash on hand. The Department has also arbitrarily designated that an applicant may have \$150.00 to be used as a burial fund, but no more.

The Committee found many cases where a person had excess property over the homestead, but from which no revenue was or could be derived, and those people were arbitrarily denied by the Department.

The Committee found that the biggest source of dissatisfaction with the pension program and with the Department of Public Welfare, was the manner in which the child support law was being administered, and in Senate Bill No. 9 of the Forty-sixth Legislature, the Legislature stated its purpose that the ability of the child to support the parents should not be considered and should not be inquired into, but the same law also provided that every gift, resource or income of any kind should be considered in determining the applicant's need. Accordingly, under the ruling of the Attorney General the Department of Public Welfare has applied the following policy: If the aged person was already on the roll and his children were well-able but not contributing to his support, then they would not go into the child-support phase, but if the applicant was receiving any assistance from any relative, then that was considered, and the ability of the child to so continue such support was considered. In the event an applicant for old age assistance was living with some relative, be it child or grandchild or other relative, and if he applied for assistance, not only the applicant was investigated, but also the child or relative, and every

detailed phase of their financial obligations and income was determined and written up in the narrative report, and there are many, many cases of denial under such statement of facts. It is in the record of this Committee, in connection with the ability of the child to support, cases where the earnings and expenditures of a son of a recipient or applicant were gone into in the minutest detail, even down to how much money was spent for school supplies for his child, and bus fare. This case was worked after Senate Bill No. 9 became the law of Texas, as passed by the Fortysixth Legislature. Under the above conditions the worker has large latitude in whether or not such cases can be put on the rolls, and there is widespread dissatisfaction among the people of Texas in regard to the attempted administration of this law.

The Committee found another source of much dissatisfaction was the building of a budget by the various workers over Texas, there being a vast discrepancy on the amount of the grants paid. Where one worker might allow an elderly person \$14.00 under their investigation, another worker might allow \$20.00 per month; and of course, much dissatisfaction and unrest results from such discrepancies.

The Committee found on re-investigation, as required by the Federal Government, that the workers were instructed to again run all the statutory requirements of the recipients, and to again prove up their age.

The Committee found that where an applicant had formerly been on relief, that it was necessary in some areas for the worker to investigate that fact fully and write a narrative report of their findings.

The Committee found it was the practice in some Areas where a worker would be handed a case, and after having reported the case then after a lapse of several weeks the Area Supervisor would again hand them the name of the person to be investigated, and require a re-investigation so as to check to see if the worker would make the same findings on re-investigation in the same case. It was testified that those were the instructions of Mr. Carl Flaxman, who is at present Field Repre-

sentative of the Department of Public Welfare.

The Committee reports that after Mr. J. S. Murchison became Director there has been a general improvement in the manner in which the Department is being conducted, and that now applicants are being received promptly; however, narrative reports are still being written in great detail from the social welfare phase, and workers are still tardy in their investigations; however, there have been some improvements, as pointed out, in regard to the income-in-kind resource sheet having been eliminated.

The Committee found that a large part of the persons in the Department, including workers, area supervisors, as well as executives in Austin, were incorporated into the Department of Public Welfare at the time of its organization by Adam R. Johnson, who had formerly been employed by the Texas Relief Commission. Those employees who had formerly been employed by the Texas Relief Commission, which was a charity or relief organization, were imbued with the thought that a person must be an object of charity before they were entitled to old age assistance. Those former employees of the Texas Relief Commission were also especially imbued with the social welfare phase of the work.

The Committee found that the pay of the workers was \$175.00 per month, and each worker was allowed a two-weeks paid vacation during the summer. Also a great number of the workers attended the institute of the Texas Social Welfare Association meeting in Galveston, which lasted for several days. Also in December, 1940, the Department was very tardy in its investigation and the work to go to the State office, but a vacation was given every worker and employee of the Department from Christmas Eve until the morning of January 2nd; making a total vacation granted to the employees of this Department of almost one month's time.

The Committee found that although no worker would admit being rude or discourteous to applicants or recipients, a great many

complaints were heard from applicants and recipients of old age assistance over the State that workers were rude and discourteous.

The Committee found that at least several months, in the simplest case, was used by the Department, before a person could be placed on the rolls. As the system now exists, the intake worker takes down the facts from the applicant, and then writes up a narrative report and states whether or not the applicant is to be sustained or denied. If sustained, then the case is put in the hands of the Field Worker, and it might be several months before they even get to the investigation of the facts in the case. At that time every fact or condition which has been brought out is checked and verified, and then those that have her approval are incorporated into the case record; it is then the procedure for the Area Supervisor to pass upon the case, and if assistance is granted the case goes to the office in Austin for further checking; if the applicant is finally placed upon the rolls, if the case is not finally disposed of before the 25th of each month, then the applicant must wait until the next month before receiving the first check.

The Committee would recommend to the House of Representatives:

(1) That the law be clarified in respect to how much cash a person can have on hand and be eligible for old age assistance.

(2) The law should further be clarified in regard to the amount of excess property can be owned by applicants.

(3) The law should be clarified in regard to child support, and the Committee would recommend that the law be amended so as to read, that the ability of the child to support applicant or recipient of old age assistance shall not be considered, nor shall such ability be looked into. And it is the recommendation of the Committee that the law be amended to read that neither shall any gift, resource or income from any relative of applicant or recipient, except the spouse, be considered for any purpose, and shall not in any way affect applicant or recipient of old

age assistance. If the present law is amended with this incorporated, the Committee believes that the ability of the child to support will be clarified and disposed of.

(4) Besides those changes in the law, the Department of Public Welfare should be instructed to eliminate the social welfare phase of the program, and to concentrate all their efforts on determining the eligibility of applicants for old age assistance.

(5) The Department should also be instructed by the House of Representatives, that they should dispense with the listing of statutory requirements on re-investigation after same have once been proven.

(6) The Committee would recommend that the Department of Public Welfare be instructed that it is not necessary, in interviewing of negroes by workers to call them "Mr." and "Mrs."

(7) The recommendation of the Committee as to the simplest and most acceptable manner in which to determine the amount of assistance to be granted would be to start at the maximum of \$30.00 per month, and then deduct any income, resource or other monies which the applicant or recipient might have. If this formula was adopted, it would insure an equitable manner in which to pay pensions and an equitable amount to be paid each one, and would avoid the wide discrepancy that exists over building budgets by different workers.

It is the finding of the Committee that the law of Texas which states that the ability of the child shall not be considered or inquired into has been flagrantly violated by the workers of the Department of Public Welfare. The Department furnishes the workers with the Department of Public Welfare Manual, and such manual is followed to the slightest details in place of following the law as set forth by the Legislature of this State.

Although many abuses and discrepancies still exist in the administration of the Department of Public Welfare, there has been some improvement since J. S. Murchison has been appointed Director, and there

has been an improvement in the personnel since Mr. Weldon Watson has been personnel director.

It is the opinion of this Committee that there has been some improvement since the Legislature has been in session, and since this Committee has been appointed and been conducting hearings.

It is the opinion of the Committee that this Committee, or a similar Committee should be made permanent and be in existence during the interim between the adjournment of this Legislature and the convening of the Forty-eighth Legislature to continue to investigate the Department of Public Welfare and to continue to see that the Department promptly investigates cases, and to have further recommendations to submit to the Forty-eighth Legislature.

If this Department is not held in check by the Legislature, such a merit system will be adopted that this Department will be above the Legislature, and the Legislature will not have the control of such Department, and there will grow up a branch of the Government which will be above the people and this Legislature.

Respectfully submitted,

McNAMARA, Chairman,
SIMPSON, Vice Chairman,
McMURRY,
McCANN,
HELPINSTILL,

Members of Committee.

TRIBUTE TO THE HONORABLE SAM RAYBURN

Mr. Moore offered the following resolution:

H. S. R. No. 161, Paying tribute to the Honorable Sam Rayburn, Speaker of the National House of Representatives by providing for the appointment of a committee by the Speaker of the Texas House of Representatives to arrange for the painting of a portrait to be placed in the Texas House of Representatives.

Whereas, Thirty years ago a young man from Fannin County presided over the Texas House of Represen-

tatives with wisdom and great distinction and helped to better establish the tradition of respect, admiration, and affection with which the people of Texas have ever regarded this high office, and

Whereas, In the succeeding years this young man from Fannin County, the Honorable Sam Rayburn of Bonham, Texas has become one of America's leading statesmen having served with distinction on important committees in the Congress of the United States and as chairman of the important Interstate and Foreign Commerce Committee, as Democratic Administration Leader in Congress, and after having distinguished himself in that high office, has been chosen by his fellow congressmen to be the Speaker of the United States House of Representatives, next only to the presidency in importance to the Congress and to the people of the United States, and

Whereas, He has demonstrated in this high office so outstandingly the same qualifications that distinguished him in the Texas House of Representatives, and having earned the acclaim and confidence of the President of the United States and his Cabinet, of his fellow members of Congress, and of the American People, and

Whereas, It is the custom to pay tribute to our great Texans and great Americans, and the Honorable Sam Rayburn having fulfilled every requirement is without a doubt a great Texan and a great American, and

Whereas, His portrait should be placed in the Hall of the House of Representatives along with that of other great Texans whose portraits now grace this hall, therefore

Be it resolved, That the House of Representatives hereby direct the Honorable Homer Leonard, Speaker of the House, to appoint a committee composed of any number desired to arrange for a suitable portrait of the Honorable Sam Rayburn to be painted and placed in the Hall of the House of Representatives, the cost of which shall be paid out of the House Contingent Expense fund. Said warrant for the payment of said painting to be drawn by the Speaker

of the House of Representatives on the Contingent Expense fund and approved by the Contingent Expense Committee.

MOORE,
MORRIS,
CONNELLY,
MORGAN,
EVANS,
BENTON,
MURRAY,
CARLTON,
WEATHERFORD,
CROSTHWAIT,
KERSEY,
REED of Dallas,
HARRIS of Dallas,
McGLASSON,
STINSON,
HANNA,
ALSUP,
SMITH of Bastrop,
GARLAND,
SKILES,
BURNAMAN,
McNAMARA.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Anderson, Avant, Bailey, Baker, Bean, Bell, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Craig, Crossley, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Gilmer, Goodman, Halsey, Hardeman, Hargis, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McLellan, McMurtry, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Morse, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Atascosa, Spacek, Spangler, Stanford, Stubbs, Taylor,

Thornton, Turner, Vale, Voigt, Walters, Wattner, White, Whitesides, Winfree.

On motion of Mr. Morris, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

RELATIVE TO COMMITTEE INVESTIGATING DEPARTMENT OF PUBLIC WELFARE

Mr. Skiles offered the following resolution:

H. S. R. No. 162, Relative to Committee Investigating Department of Public Welfare.

Whereas, The House has heretofore authorized the appointment of a committee of five (5) to investigate the Texas Department of Public Welfare in its administration of the Old Age Assistance Program; and

Whereas, Said committee has made a thorough report, indicating that its work has been successful; and

Whereas, Since the committee has been appointed, there has been an increased efficiency in the administration of the Pension Program and a marked improvement in the attitude of the pension workers toward the applicants; and

Whereas, The creation of a permanent committee of this kind would affect a continuation of this improved program; now, therefore, be it

Resolved, by the House of Representatives, That said committee heretofore appointed by the Speaker to investigate the Pension Program be, and it is hereby continued and made permanent for the duration of this, the 47th Legislature; that said committee be and it is hereby authorized and empowered, in addition to the powers and authority heretofore conferred on it, to conduct hearings during the interim between Sessions at such places as it may deem proper; and for the purpose of carrying out the intent and purposes of said committee, there is hereby appropriated out of the Contingent Expense Fund of the House

of Representatives the sum of Fifteen Hundred (\$1500.00) Dollars, which said committee is authorized to expend in conducting said investigations. Payment of any expenses incurred shall be made only upon vouchers duly signed and approved by the Speaker of the House, the Chairman of the Committee on Contingent Expenses and the Chairman of said investigating committee.

Said Committee is directed to record all of its findings and to report to the 48th Legislature such information as it deems important.

The resolution was read second time.

Mr. Hanna moved that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Skiles, the motion by Mr. Hanna was tabled.

(Pending consideration of the resolution, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

On motion of Mr. Reed of Bowie, the resolution was referred to the Committee on Appropriations.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Parker offered the following resolution:

H. C. R. No. 78, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded wire mesh guard fence in its various warehouses; and

Whereas, The citizens of Olney and New Castle are trying to preserve the Cemetery in the Community of True; and

Whereas, It is deemed necessary to fence the entire cemetery to protect it from public intrusion and damage to plantings; and

Whereas, It will be a great accommodation to these communities if said Highway Department permits said citizens the use of the discarded

wire mesh guard fence hereinabove mentioned for the purpose of fencing the grounds of the True Cemetery; now

Therefore, be it resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the citizens of Olney and New Castle eighteen hundred (1800) feet of the discarded wire mesh guard fence hereinabove mentioned for the purpose as hereinabove set out, said citizens to return such wire upon request of the State Highway Department, and it is so resolved.

The resolution was read second time and was adopted.

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 230

Mr. White offered the following resolution:

H. C. R. No. 79, Authorizing Certain Corrections in House Bill No. 230.

Whereas, House Bill No. 230 has passed the House and the Senate; and

Whereas, It is provided in the caption and in Section 1 of said bill that it is amending Section 1 of Article 2351a of the Revised Civil Statutes of Texas of 1925, the same being House Bill No. 427, Acts of 1937, of the Forty-fifth Legislature, Regular Session; and

Whereas, It was the purpose and intention of House Bill No. 230 to amend House Bill No. 202, Acts of 1939, Forty-sixth Legislature, Regular Session; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to correct said bill according to the facts above set out in order to carry out the purpose and intent of said House Bill No. 230.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 24, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 338.

The following have been appointed on the part of the Senate:

Senators York, Ramsey, Metcalfe, Mauritz and Moffett.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 119 ON SECOND READING

Mr. McMurry moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 119.

The motion prevailed by the following vote:

Yeas—96

Allen	Fuchs
Allison	Garland
Alsup	Gilmer
Bell	Goodman
Benton	Halsey
Blankenship	Hanna
Boone	Hargis
Brawner	Harris of Hill
Bray	Helpinstill
Brown	Henderson
Bruhl	Huddleston
Bullock	Huffman
Bundy	Humphrey
Burkett	Kersey
Carlton	Kinard
Carrington	King
Chambers	Klingeman
Clark	Lehman
Coker	Leyendecker
Connelly	Little
Craig	Lock
Crossley	Love
Crosthwait	Lowry
Daniel	Lucas
Davis	Lyle
Dickson of Nolan	McAlister
Duckett	McCann
Eubank	McDonald
Evans	McLellan
Favors	McMurry
Ferguson	McNamara
Fitzgerald	Manford

Manning	Rhodes
Martin	Sallas
Mills	Senterfitt
Moore	Sharpe
Morgan	Simpson
Morris	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Thornton
Price	Vale
Rampy	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	White
Roberts	Whitesides

Nays—43

Avant	Hughes
Bailey	Hutchinson
Baker	Isaacks
Bean	Jones
Bridgers	Kelly
Burnaman	Kennedy
Cato	Knight
Cleveland	Lansberry
Colson, Mrs.	Matthews
Deen	Montgomery
Dickson of Bexar	Morse
Donald	Murray
Ellis	Ridgeway
Files	Roark
Hardeman	Shell
Harris of Dallas	Skiles
Hartzog	Spacek
Heflin	Taylor
Hobbs	Voigt
Howard	Walters
Howington	Winfree
Hoyo	

Absent

Celaya	McGlasson
Dove	Stubbs
Gandy	Turner
Hileman	

Absent—Excused

Anderson	Markle
Dwyer	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 119, A bill to be entitled "An Act creating a commission to be known as Oil and Gas Commission of Texas; providing for the ap-

pointment of the members of such Commission by the Governor; fixing the terms of the members of such Commission; providing for the organization and chairman of such Commission; providing for the qualifications of the members of such Commission; providing that each member of such Commission shall give his full and undivided attention to the duties of his office; providing that the term of any member of such Commission shall immediately cease and determine if he accepts or holds any other public office or public employment, or if he becomes a candidate for election or nomination to any public office; providing that any member of such Commission shall be ineligible to election to public office at certain times under certain conditions; providing that a majority of the members of such Commission shall have authority to act; providing for the domicile of the principal office of such Commission, the appointment of a secretary of such Commission, and the duties of such secretary; providing for authority to certify copies of certain instruments and providing for receiving same in evidence in all courts of this State; providing for the payment of salaries to the members of such Commission; etc.; and declaring an emergency."

The bill was read second time.

Mr. Phillips moved a call of the House for the purpose of maintaining a quorum until House Bill No. 119 is disposed of, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—59

Alsup	Carlton
Bailey	Carrington
Bean	Cato
Bell	Cleveland
Benton	Coker
Blankenship	Connelly
Boone	Crossley
Brawner	Davis
Burkett	Dickson of Bexar

Dickson of Nolan	Manford
Donald	Martin
Duckett	Matthews
Files	Moore
Gandy	Morris
Hardeman	Pace
Hobbs	Pevehouse
Howington	Phillips
Hoyo	Price
Huddleston	Rampy
Kelly	Ridgeway
Kennedy	Senterfitt
King	Sharpe
Klingeman	Simpson
Knight	Smith of Bastrop
Lansberry	Stanford
Little	Stubbs
Love	Walters
Lucas	Wattner
Lyle	Weatherford
McCann	

Nays—82

Allen	Huffman
Allison	Hughes
Avant	Humphrey
Baker	Hutchinson
Bray	Isaacks
Bridgers	Jones
Brown	Kersey
Bruhl	Kinard
Bullock	Lehman
Bundy	Leyendecker
Burnaman	Lock
Chambers	Lowry
Clark	McAlister
Colson, Mrs.	McDonald
Craig	McLellan
Crosthwait	McMurry
Daniel	McNamara
Deen	Manning
Evans	Mills
Ellis	Montgomery
Eubank	Morgan
Favors	Morse
Ferguson	Murray
Fitzgerald	Nicholson
Fuchs	Parker
Garland	Reed of Bowie
Gilmer	Reed of Dallas
Halsey	Roark
Hanna	Roberts
Hargis	Rhodes
Harris of Dallas	Sallas
Harris of Hill	Shell
Hartzog	Skiles
Heflin	Smith of Atascosa
Helpinstill	Spacek
Henderson	Spangler
Hileman	Stinson
Howard	Taylor

Thornton	White
Vale	Whitesides
Voigt	Winfree

Absent

Celaya	McGlasson
Dove	Turner
Goodman	

Absent—Excused

Anderson	Markle
Dwyer	

Mr. Hileman moved that further consideration of House Bill No. 119 be postponed until 11:00 o'clock a. m. next Monday.

On motion of Mr. McMurry, the motion to postpone was tabled.

Question: Shall House Bill No. 119 pass to engrossment?

EXTENDING PRIVILEGES OF THE FLOOR TO THE "ST. LOUIS BROWNS"

Mr. Harris of Dallas offered the following resolution:

H. S. R. No. 163, Extending Privileges of the Floor to the St. Louis Browns.

Whereas, The St. Louis Browns, one of the outstanding teams in organized baseball, chose the beautiful City of San Antonio as the site for their spring training camp from among the many cities bidding for their attendance and patronage; and

Whereas, The selection of a Texas city by this splendid organization is a wonderful tribute to the beautiful sunshine and natural weather conditions of the Lone Star State; and

Whereas, The St. Louis Browns have permanently established a minor league connection in Texas by sponsoring the San Antonio Texas League Baseball Club; and

Whereas, These activities on the part of the St. Louis Browns have brought publicity of untold value to the State of Texas; and

Whereas, The State of Texas is duly proud of its selection as the spring training home of this outstanding baseball organization; and

Whereas, Many former Texas League stars now form a part of the St. Louis Browns' team; and

Whereas, These stars, together with the other members of the St. Louis Browns' team under the leadership of their president, Mr. Don Barnes, will be in Austin on Tuesday, March 25, to engage in an exhibition game with the Boston Bees, another major league baseball team;

Now, therefore, be it resolved, That these outstanding athletes be invited just before noon adjournment on March 25 to visit the House of Representatives for a formal welcome and introduction to the Members of the House.

The resolution was read second time and was adopted.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 522, "An Act providing that the salary of county commissioners, in counties having a population of not less than 17,475 nor more than 17,500, according to the last Federal Census, and having a taxable valuation in excess of \$6,800,000.00 for the next preceding year, shall be \$1,800.00 per year, payable out of the Road and Bridge Fund of said county; and declaring an emergency."

H. B. No. 446, "An Act creating a special road law for Brown County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants, validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 229, "An Act authorizing the Commissioners' Court in all

counties having a population of not less than six thousand, one hundred (6,100), and not more than six thousand, one hundred eighty (6,180), and in counties having a population of not less than nine thousand, four hundred (9,400), and not more than nine thousand six hundred (9,600), according to the last preceding Federal Census, to allow each County Commissioner and County Judge, certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 708, "An Act to create Road District Number 4, of Lamb County, Texas; defining its boundaries; providing that said District shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; etc., and declaring an emergency."

H. B. No. 367, "An Act making it lawful to hunt or kill wild foxes in DeWitt County, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 19, "An Act to amend Sections 3 and 5 of Chapter 42, General Laws of Texas, passed by the 41st Legislature, 2nd Called Session, as amended by Sections 3 and 5 of Chapter 282, Acts Regular Session, 42nd Legislature; repealing Section 7 of Chapter 282, Acts Regular Session, 42nd Legislature, said Acts relating to the operation of vehicles on the public highways of Texas; and declaring an emergency."

H. C. R. No. 76, Extending congratulations of the Legislature to Hon. Coke Stevenson.

H. B. No. 650, "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen bass, or more than fifteen crappie or white perch, or more than thirty in the aggregate of both bass and crappie or white perch, thirty game fish and thirty-six goggle-eye and bream totaling sixty-six, in Harrison or Marion County, Texas; defining guides, and making it unlawful for guides to catch, take, or retain, or have in their possession, any bass

or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed, and declaring an emergency."

H. B. No. 649, "An Act amending House Bill No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed, and declaring an emergency."

H. B. No. 513, "An Act creating a special road law for Camp County, Texas; authorizing the Commissioners' Court to issue funding bonds or warrants, in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Camp County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

(Mr. Skiles in the Chair.)

March 24th, 1941.

To the Members of the Forty-seventh Legislature:

A few days ago I submitted to the Legislature a National Defense Aid bill designed to accomplish the following objectives:

1. The first objective which I sought to accomplish was to prevent strikes and lockouts in those industries in Texas which are engaged in providing for national defense and in those industries which are rendering general public service, by requiring a sixty-day waiting period before strikes and lockouts could be called in these essential industries.

2. The second objective which I sought to accomplish in the bill submitted to the Legislature, was to prevent the use of force and violence in labor disputes in all industries.

3. The third objective the bill sought to accomplish was to permit peaceful picketing, but to prevent the abuse of this privilege.

The Attorney General has furnished me with a copy of his opinion concerning the Constitutionality of the various portions of this bill. In his opinion the Attorney General stated that that portion of the bill submitted to the Legislature which is designed to prevent the use of force and violence in labor disputes was Constitutional and enforceable. He further stated that Section 4 of the bill which I submitted, which seeks to prevent mobs from unlawfully forming around the entrance to places where labor disputes exist, was Constitutional provided that there was added to this section a definition of the term "labor dispute."

I submit to you today a substitute for House Bill No. 746 which meets the objection of the Attorney General and according to his ruling, this bill is Constitutional and enforceable, and I ask that the Legislature pass this measure immediately. I feel that it is well that this bill is considered separate and apart from other phases of this question for the simple reason that this substitute bill deals with one question and one question only and that is, preventing the use of force and violence in labor disputes. It will remove the possibility of anyone voting against

the bill on the theory that they are opposed to some other phase of the legislation. As this bill is drawn it simply guarantees to the citizens of this State the right to follow any lawful vocation and it makes it a felony, punishable by from one to two years in the State penitentiary for the violation of this Act.

I think the time has come in Texas when we should begin to be concerned more about the right to work and less concerned about the right of somebody to quit work. I think the time has come when the last alibi should be removed and we should be able to get a vote on the question of whether the Members of the Forty-seventh Legislature are willing to go on record in favor of a bill that outlaws the use of force and violence in labor disputes.

It is not necessary for me to tell the Members of this Legislature that the passage of this bill will be of substantial assistance to all of our industries that are engaged in national defense because it is a well-known fact that in strikes that have occurred in Texas during the last few years the use of force and violence has been frequent and in many cases the employees have been forced away from their jobs not because they wanted to leave, but because they were afraid to work. Therefore, as a means of aiding national defense and as a means of permanently protecting the rights of the citizens of this State, I urge the immediate passage of this bill.

On the second and third objectives which I sought to accomplish in my original bill submitted to the Legislature, namely, that of regulating peaceful picketing in this State, and that of preventing strikes and lock-outs in national defense industries and in other industries rendering a general public service, I have not yet been able to have bills drafted which will, in my judgment, meet the urgent need of our State and at the same time conform to the Attorney General's opinion, but, within the immediate future I intend to submit to the Legislature a bill, or bills dealing with these two important phases of the question.

In the meantime, owing to the fact that the three objectives are related, yet each covers a completely

different phase of the related subject, I am inclined to believe that it will be better to consider each of the three objectives in separate bills, so that the Members can vote on each objective as they please, which they could not do if they were all three tied together in one bill.

In concluding this message, may I urge that the Legislature act immediately on the substitute bill which I have submitted for House Bill No. 746 which deals only with outlawing force and violence in this State, because in the form submitted it has the approval of the Attorney General's Department as Constitutional and enforceable.

I am submitting this substitute bill for House Bill No. 746 as emergency legislation and urge its immediate enactment.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

TEXT OF BILL SUBMITTED BY GOVERNOR

Following is the text of bill as submitted by the Governor in the above message:

A BILL To Be Entitled

An Act making unlawful the use of force or violence or threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof; making it unlawful for any person acting in concert with other persons to assemble and prevent or attempt to prevent by force or violence any person from engaging in a lawful vocation and making it unlawful to encourage and aid such unlawful assemblage and providing penalties for the violation thereof; defining the term "labor dispute"; making the provisions of this Act cumulative of existing laws; and providing a severance or saving clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person by the use of force or violence, or threat of the use of

force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this State. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

Sec. 2. It shall be unlawful for any person acting in concert with one or more other persons, to assemble at or near any place where a "labor dispute" exists, and by force or violence prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person acting either by himself, or as a member of any group or organization or acting in concert with one or more other persons, to promote, encourage or aid any such unlawful assemblage. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

Sec. 3. The term "labor dispute" as used in this Act shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment.

Sec. 4. The provisions of this Act shall be cumulative of all other existing articles of the Penal Code upon the same subject, and in the event of a conflict between existing articles and the provisions of this Act, then and in that event the provisions, offenses and punishments set forth herein shall prevail over such existing articles.

Sec. 5. If any section, paragraph, clause, or provision of this Act is declared unconstitutional, inoperative or invalid by any court of competent jurisdiction, the same shall not affect or invalidate the remainder of this Act.

Sec. 6. The fact that it is essential that industries of this State be protected from strikes and that all citizens of this State be protected

from the use of violence in labor disputes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and it is hereby suspended and this bill shall be in full force and effect from and after its passage, and it is so enacted.

RECESS

On motion of Mr. Bridgers, the House at 12:20 o'clock p. m. took recess until 2:30 o'clock p. m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 119 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 119, Providing for the creation of an Oil and Gas Commission, etc., on its passage to engrossment.

The bill having been read second time on this morning.

Mr. Boone offered the following amendment to the bill:

Amend House Bill No. 119 by striking out the enacting clause.

BOONE,
BLANKENSHIP,
LOVE,
BRAWNER,
TURNER,
CARLTON,
PHILLIPS,
ALLEN,
BELL,
HARDEMAN,
BEAN,
SPACEK,
BAILEY,
MORGAN,
DONALD,
KELLY,
BENTON,
KNIGHT,
HOBBS,
WATTNER.

(Pending consideration of the amendment, Mr. Lehman occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Chambers moved to table the amendment by Mr. Boone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—65

Allison	Kinard
Avant	King
Bray	Lehman
Brown	Lock
Bruhl	Lowry
Bullock	Lucas
Bundy	McAlister
Burkett	McDonald
Chambers	McLellan
Clark	McMurry
Craig	McNamara
Crossley	Manning
Crosthwait	Martin
Davis	Mills
Deen	Murray
Dickson of Nolan	Nicholson
Duckett	Pace
Eubank	Parker
Favors	Pevehouse
Ferguson	Reed of Bowie
Fitzgerald	Roberts
Fuchs	Rhodes
Garland	Sallas
Gilmer	Sharpe
Halsey	Simpson
Hanna	Smith of Atascosa
Harris of Hill	Spangler
Helpinstill	Stinson
Henderson	Thornton
Hileman	Vale
Huddleston	Weatherford
Kennedy	White
Kersey	

Nays—80

Allen	Carrington
Alsup	Cato
Anderson	Celaya
Bailey	Cleveland
Baker	Coker
Bean	Colson, Mrs.
Bell	Connelly
Benton	Daniel
Blankenship	Dickson of Bexar
Boone	Donald
Brawner	Dove
Bridgers	Ellis
Burnaman	Evans
Carlton	Files

Gandy	Manford
Goodman	Matthews
Hardeman	Montgomery
Hargis	Moore
Harris of Dallas	Morgan
Hartzog	Morris
Heflin	Morse
Hobbs	Phillips
Howard	Price
Howington	Rampy
Hoyo	Reed of Dallas
Huffman	Ridgeway
Hughes	Roark
Hutchinson	Senterfitt
Isaacks	Shell
Jones	Skiles
Kelly	Smith of Bastrop
Klingeman	Spacek
Knight	Stanford
Lansberry	Stubbs
Leyendecker	Taylor
Little	Turner
Love	Voigt
Lyle	Walters
McCann	Wattner
McGlasson	Winfree

Present—Not Voting

Humphrey	Whitesides
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Absent—Excused

Dwyer	Markle
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PAIRED

Mr. Humphrey (present), who would vote "yea," with Mr. Dwyer (absent), who would vote "nay."

Mr. Manning moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—59

Allison	Crossley
Bray	Crosthwait
Brown	Davis
Bruhl	Dickson of Nolan
Bundy	Duckett
Burkett	Favors
Cato	Ferguson
Chambers	Fitzgerald
Clark	Garland
Coker	Halsey
Craig	Hanna

Hartzog	Mills
Henderson	Nicholson
Hileman	Pace
Huddleston	Parker
Kennedy	Pevehouse
Kersey	Reed of Bowie
Kinard	Roberts
King	Rhodes
Lock	Sallas
Lowry	Sharpe
Lucas	Skiles
McAlister	Smith of Atascosa
McDonald	Spangler
McGlasson	Stinson
McLellan	Thornton
McMurry	Vale
McNamara	Voigt
Manning	White
Martin	

Nays—87

Allen	Howard
Alsup	Howington
Anderson	Hoyo
Avant	Huffman
Bailey	Hughes
Baker	Hutchinson
Bean	Isaacks
Bell	Jones
Benton	Kelly
Blankenship	Klingeman
Boone	Knight
Brawner	Lansberry
Bridgers	Lehman
Bullock	Leyendecker
Burnaman	Little
Carlton	Love
Carrington	Lyle
Celaya	McCann
Cleveland	Manford
Colson, Mrs.	Matthews
Connelly	Montgomery
Daniel	Moore
Deen	Morgan
Dickson of Bexar	Morris
Donald	Morse
Dove	Murray
Ellis	Phillips
Eubank	Price
Evans	Rampy
Files	Reed of Dallas
Fuchs	Ridgeway
Gandy	Roark
Gilmer	Senterfitt
Goodman	Shell
Hardeman	Simpson
Hargis	Smith of Bastrop
Harris of Dallas	Spacek
Harris of Hill	Stanford
Heflin	Stubbs
Helpinstill	Taylor
Hobbs	Turner

Walters	Whitesides
Wattner	Winfree
Weatherford	

Present—Not Voting

Humphrey

Absent—Excused

Dwyer

Markle

PAIRED

Mr. Humphrey (present), who would vote "yea," with Mr. Dwyer (absent), who would vote "nay."

Mr. Isaacks moved the previous question on the pending amendment by Mr. Boone, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74

Allen	Hobbs
Anderson	Howard
Avant	Howington
Bailey	Hoyo
Baker	Huffman
Bean	Hughes
Bell	Hutchinson
Benton	Isaacks
Blankenship	Jones
Boone	Kelly
Brawner	Klingeman
Bridgers	Knight
Burnaman	Lansberry
Carlton	Leyendecker
Carrington	Little
Cato	Love
Celaya	McCann
Cleveland	Manford
Coker	Matthews
Connelly	Montgomery
Dickson of Bexar	Moore
Donald	Morgan
Ellis	Morris
Evans	Morse
Files	Pace
Fuchs	Phillips
Gandy	Price
Goodman	Rampy
Hardeman	Ridgeway
Hargis	Senterfitt
Harris of Dallas	Skiles
Heflin	Smith of Bastrop
Helpinstill	Spacek

Stanford	Walters
Stubbs	Wattner
Turner	Weatherford
Voigt	Winfree

Nays—69

Allison	King
Bray	Lehman
Brown	Lock
Bruhl	Lowry
Bullock	Lucas
Bundy	Lyle
Burkett	McAlister
Chambers	McDonald
Clark	McGlasson
Colson, Mrs.	McLellan
Craig	McMurry
Crossley	McNamara
Crothwait	Manning
Daniel	Martin
Davis	Mills
Deen	Murray
Dickson of Nolan	Parker
Dove	Pevehouse
Duckett	Reed of Bowie
Eubank	Reed of Dallas
Favors	Roberts
Ferguson	Rhodes
Fitzgerald	Sallas
Garland	Sharpe
Gilmer	Shell
Halsey	Simpson
Hanna	Smith of Atascosa
Harris of Hill	Spangler
Hartzog	Stinson
Henderson	Taylor
Hileman	Thornton
Huddleston	Vale
Kennedy	White
Kersey	Whitesides
Kinard	

Present—Not Voting

Humphrey

Absent

Alsup	Roark
Nicholson	

Absent—Excused

Dwyer Markle

PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

Mr. Blankenship moved to reconsider the vote by which the main question was ordered, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—75

Allen	Isaacks
Anderson	Jones
Avant	Kelly
Bailey	Klingeman
Baker	Knight
Bean	Lansberry
Bell	Leyendecker
Benton	Little
Blankenship	Love
Boone	McCann
Brawner	McGlasson
Bridgers	McLellan
Burnaman	Manford
Carlton	Matthews
Carrington	Montgomery
Cato	Moore
Celaya	Morgan
Cleveland	Morris
Connelly	Morse
Dickson of Bexar	Pace
Donald	Phillips
Ellis	Price
Evans	Rampy
Files	Ridgeway
Gandy	Roark
Goodman	Senterfitt
Hardeman	Shell
Hargis	Skiles
Harris of Dallas	Smith of Bastrop
Heflin	Spacek
Helpinstill	Stanford
Hobbs	Stubbs
Howard	Turner
Howington	Walters
Hoyo	Wattner
Huffman	Whitesides
Hughes	Winfree
Hutchinson	

Nays—65

Allison	Daniel
Alsup	Davis
Bray	Deen
Brown	Dickson of Nolan
Bruhl	Dove
Bullock	Duckett
Bundy	Eubank
Burkett	Favors
Chambers	Ferguson
Clark	Fitzgerald
Craig	Fuchs
Crossley	Garland
Crothwait	Gilmer

Halsey	Martin
Hanna	Mills
Hartzog	Murray
Henderson	Parker
Hileman	Pevehouse
Huddleston	Reed of Bowie
Kennedy	Reed of Dallas
Kersey	Roberts
Kinard	Rhodes
King	Sallas
Lehman	Sharpe
Lock	Simpson
Lowry	Smith of Atascosa
Lucas	Spangler
Lyle	Stinson
McAlister	Taylor
McDonald	Thornton
McMurry	Vale
McNamara	Weatherford
Manning	

Present—Not Voting

Humphrey

Absent

Coker	Nicholson
Colson, Mrs.	Voigt
Harris of Hill	White

Absent—Excused

Dwyer . Markle

PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

Mr. Carlton moved a call of the House for the purpose of maintaining a quorum until House Bill No. 119 is disposed of, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—77

Allen	Brawner
Alsup	Bridgers
Anderson	Burnaman
Bailey	Carlton
Baker	Carrington
Bean	Cato
Bell	Celaya
Benton	Cleveland
Blankenship	Coker
Boone	Colson, Mrs.

Connelly	Love
Daniel	Lyle
Deen	McCann
Dickson of Bexar	McGlasson
Donald	Manford
Dove	Matthews
Duckett	Montgomery
Ellis	Moore
Evans	Morgan
Files	Morris
Gandy	Morse
Goodman	Phillips
Hardeman	Price
Hargis	Rampy
Heflin	Reed of Bowie
Hobbs	Reed of Dallas
Howard.	Ridgeway
Howington	Senterfitt
Hoyo	Shell
Hutchinson	Smith of Bastrop
Isaacks	Spacek
Jones	Stanford
Kelly	Stubbs
Kennedy	Taylor
Klingeman	Turner
Knight	Walters
Lansberry	Wattner
Leyendecker	Winfree
Little	

Nays—64

Allison	Hughes
Avant	Kersey
Brown	King
Bruhl	Lehman
Bullock	Lock
Bundy	Lowry
Burkett	Lucas
Chambers	McAlister
Clark	McDonald
Craig	McLellan
Crossley	McMurry
Crothwait	McNamara
Davis	Manning
Eubank	Martin
Favors	Mills
Ferguson	Murray
Fitzgerald	Nicholson
Fuchs	Pace
Garland	Parker
Gilmer	Roark
Halsey	Roberts
Hanna	Rhodes
Harris of Dallas	Sallas
Harris of Hill	Simpson
Hartzog	Skiles
Helpinstill	Smith of Atascosa
Henderson	Spangler
Hileman	Stinson
Huddleston	Thornton
Huffman	Vale

Voigt White
Weatherford Whitesides

Present—Not Voting

Humphrey

Absent

Bray Pevehouse
Dickson of Nolan Sharpe
Kinard

Absent—Excused

Dwyer Markle

PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

Mr. Blankenship moved to reconsider the vote by which the call of the House was ordered, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allen	Hardeman
Alsup	Hargis
Anderson	Hartzog
Avant	Heflin
Bailey	Hobbs
Baker	Howard
Bean	Howington
Bell	Hoyo
Benton	Isaacks
Blankenship	Jones
Boone	Kelly
Brawner	Kennedy
Bridgers	Knight
Burnaman	Lansberry
Carlton	Leyendecker
Carrington	Little
Cato	Love
Celaya	Lyle
Cleveland	McCann
Coker	McGlasson
Connelly	McLellan
Deen	Manford
Dickson of Bexar	Matthews
Donald	Montgomery
Dove	Moore
Duckett	Morgan
Ellis	Morris
Files	Morse
Gandy	Pace
Goodman	Phillips

Price	Spacek
Rampy	Stanford
Reed of Bowie	Stubbs
Reed of Dallas	Taylor
Ridgeway	Turner
Senterfitt	Walters
Shell	Wattner
Skiles	Whitesides
Smith of Bastrop	Winfree

Nays—55

Allison	Klingeman
Brown	Lehman
Bruhl	Lock
Bullock	Lowry
Bundy	Lucas
Burkett	McAlister
Chambers	McDonald
Clark	McMurry
Craig	McNamara
Crosthwait	Manning
Daniel	Martin
Davis	Mills
Eubank	Murray
Favors	Parker
Ferguson	Roark
Fitzgerald	Roberts
Fuchs	Rhodes
Gilmer	Sallas
Halsey	Simpson
Hanna	Smith of Atascosa
Helpinstill	Spangler
Henderson	Stinson
Hileman	Thornton
Hughes	Vale
Hutchinson	Voigt
Kersey	Weatherford
Kinard	White
King	

Present—Not Voting

Humphrey

Absent

Bray	Harris of Hill
Colson, Mrs.	Huddleston
Crossley	Huffman
Dickson of Nolan	Nicholson
Evang	Pevehouse
Garland	Sharpe
Harris of Dallas	

Absent—Excused

Dwyer Markle

PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

Question then recurring on the amendment by Mr. Boone and others, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—88

Allen	Hutchinson
Alsup	Isaacks
Anderson	Jones
Avant	Kelly
Bailey	Kennedy
Baker	Klingeman
Bean	Knight
Bell	Lansberry
Benton	Leyendecker
Blankenship	Little
Boone	Love
Brawner	Lyle
Bridgers	McCann
Burnaman	McGlasson
Carlton	McLellan
Carrington	Manford
Cato	Manning
Celaya	Matthews
Cleveland	Montgomery
Colson, Mrs.	Moore
Connelly	Morgan
Daniel	Morris
Dickson of Bexar	Morse
Donald	Pace
Dove	Phillips
Duckett	Price
Ellis	Rampy
Evans	Reed of Dallas
Files	Ridgeway
Gandy	Roark
Goodman	Senterfitt
Hardeman	Shell
Hargis	Skiles
Harris of Dallas	Smith of Bastrop
Harris of Hill	Smith of Atascosa
Hartzog	Spacek
Heflin	Stanford
Helpinstill	Stubbs
Hobbs	Taylor
Howard	Turner
Howington	Walters
Hoyo	Wattner
Huffman	Whitesides
Hughes	Winfree

Nays—55

Allison	Crossley
Bray	Crosthwait
Brown	Davis
Bruhl	Deen
Bullock	Eubank
Bundy	Favors
Burkett	Ferguson
Chambers	Fitzgerald
Clark	Fuchs
Coker	Garland
Craig	Gilmer

Halsey	Mills
Hanna	Murray
Henderson	Nicholson
Hileman	Parker
Huddleston	Reed of Bowie
Kersey	Roberts
Kinard	Rhodes
King	Sallas
Lehman	Sharpe
Lock	Simpson
Lowry	Spangler
Lucas	Stinson
McAlister	Thornton
McDonald	Vale
McMurry	Weatherford
McNamara	White
Martin	

Present—Not Voting

Humphrey

Absent

Dickson of Nolan	Voigt
Pevehouse	

Absent—Excused

Dwyer

Markle

PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

Mr. Smith of Atascosa moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—59

Allison	Favors
Bray	Ferguson
Brown	Fitzgerald
Bruhl	Garland
Bullock	Gilmer
Bundy	Halsey
Burkett	Hanna
Chambers	Harris of Hill
Clark	Henderson
Coker	Hileman
Craig	Huddleston
Crossley	Kersey
Davis	Kinard
Dickson of Nolan	King
Duckett	Klingeman
Eubank	Lehman

Lock	Pevehouse
Lowry	Reed of Bowie
Lucas	Roberts
McAlister	Rhodes
McDonald	Sallas
McGlasson	Sharpe
McMurry	Simpson
McNamara	Smith of Atascosa
Manning	Spangler
Martin	Stinson
Mills	Thornton
Murray	Vale
Pace	White
Parker	

Nays—85

Allen	Hughes
Alsup	Hutchinson
Anderson	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bean	Knight
Bell	Lansberry
Benton	Leyendecker
Blankenship	Little
Boone	Love
Brawner	Lyle
Bridgers	McCann
Burnaman	McLellan
Carlton	Manford
Carrington	Matthews
Cato	Montgomery
Celaya	Moore
Cleveland	Morgan
Colson, Mrs.	Morris
Connelly	Morse
Daniel	Phillips
Deen	Price
Dickson of Bexar	Rampy
Donald	Reed of Dallas
Dove	Ridgeway
Ellis	Roark
Evans	Senterfitt
Files	Shell
Fuchs	Skiles
Gandy	Smith of Bastrop
Goodman	Spacek
Hardeman	Stanford
Hargis	Stubbs
Harris of Dallas	Taylor
Hartzog	Turner
Heflin	Voigt
Helpinstill	Walters
Hobbs	Wattner
Howard	Weatherford
Howington	Whitesides
Hoyo	Winfree
Huffman	

Present—Not Voting

Humphrey

Absent	
Crosthwait	Nicholson
Absent—Excused	
Dwyer	Markle
PAIRED	

Mr. Humphrey (present), who would vote "yea," with Mr. Dwyer (absent), who would vote "nay."

Mr. Isaacks moved to reconsider the vote by which the amendment by Mr. Boone was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—87

Allen	Howington
Alsup	Hoyo
Anderson	Huffman
Avant	Hughes
Bailey	Hutchinson
Baker	Isaacks
Bean	Jones
Bell	Kelly
Benton	Kennedy
Blankenship	Klingeman
Boone	Knight
Brawner	Lansberry
Bridgers	Leyendecker
Burnaman	Little
Carlton	Love
Carrington	Lyle
Cato	McCann
Celaya	McGlasson
Cleveland	McLellan
Colson, Mrs.	Manford
Connelly	Matthews
Daniel	Montgomery
Dickson of Bexar	Moore
Donald	Morgan
Dove	Morris
Duckett	Morse
Ellis	Pace
Evans	Phillips
Files	Price
Fuchs	Rampy
Gandy	Reed of Dallas
Goodman	Ridgeway
Hardeman	Roark
Hargis	Senterfitt
Harris of Dallas	Shell
Harris of Hill	Skiles
Hartzog	Smith of Bastrop
Heflin	Smith of Atascosa
Helpinstill	Spacek
Hobbs	Stanford

Stubbs
Taylor
Turner
Walters

Wattner
Whitesides
Winfree

Nays—54

Allison	King
Bray	Lehman
Brown	Lock
Bruhl	Lowry
Bullock	Lucas
Bundy	McAlister
Burkett	McDonald
Chambers	McMurry
Clark	McNamara
Craig	Manning
Crossley	Martin
Davis	Mills
Deen	Nicholson
Dickson of Nolan	Parker
Eubank	Pevehouse
Favors	Reed of Bowie
Ferguson	Roberts
Fitzgerald	Rhodes
Gilmer	Sallas
Halsey	Sharpe
Hanna	Simpson
Henderson	Spangler
Hileman	Stinson
Howard	Thornton
Huddleston	Vale
Kersey	Weatherford
Kinard	White

Present—Not Voting

Humphrey

Absent

Coker	Murray
Crosthwait	Voigt
Garland	

Absent—Excused

Dwyer	Markle
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PAIRED

Mr. Humphrey (present), who would vote "nay," with Mr. Dwyer (absent), who would vote "yea."

RECALLING HOUSE BILL NO. 654 FROM THE SENATE

Mr. Simpson offered the following resolution:

H. S. R. No. 166, Recalling House Bill No. 654 from the Senate.

Whereas, House Bill No. 654, a local bill relating to the compensation of County Commissioners, has passed the House of Representatives and is now before the Senate of the State of Texas; and

Whereas, The bill was passed by the House of Representatives in the absence of the Members of the Tarrant County delegation and a correction is necessary; and

Whereas, It is the desire of the Members of the Tarrant County delegation to recall the same to the House of Representatives in order that it may be corrected and amended; now, therefore, be it

Resolved by the House of Representatives, That the Senate be requested to return to the House, House Bill No. 654 for the express purpose of correcting and amending said bill.

SIMPSON,
LOVE,
BOONE,
GOODMAN,
McALISTER.

The resolution was read second time and was adopted.

ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as co-author of same, as follows:

Mr. Anderson: House Bill No. 791.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Cato:

H. B. No. 792, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Regular Session, Special Laws, Chapter 45, as amended by Chapter 47, Acts 1937, Forty-fifth Legislature, First Called Session, Special Laws, so as to prohibit the transportation outside the counties of Blanco, Burnet, Gillespie, Hill, Jack, Kendall, Lampasas, Llano, Mason, McCulloch, Palo Pinto, San Saba, Stephens, Travis, Williamson, and Young, wherein minnows of any and all species are caught, seined, or taken; providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Smith of Atascosa:

H. B. No. 793, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than six (6) per cent per annum and to be payable out of a portion of the local maintenance taxes; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Garland:

H. B. No. 794, A bill to be entitled "An Act making it unlawful for a period of five years to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya:

H. B. No. 795, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than one hundred two thousand (102,000) and not more than one hundred ten thousand (110,000), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Pevehouse:

H. B. No. 797, A bill to be entitled "An Act making permanent Roane Independent School District No. 93, situated in Navarro County, without regard to number of scholastics therein; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Pevehouse and Mr. Taylor:

H. B. No. 798, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties having a population of not less than fifty-one thousand, three hundred and four (51,304) nor more than fifty-one thousand, four hundred and four (51,404), according to the last preceding 1940 Federal Census, to allow each County Commissioner certain traveling expenses while traveling on official business; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Pevehouse:

H. B. No. 799, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties having a population of not less than fifty-one thousand three hundred and four (51,304) and not more than fifty-one thousand four hundred and four (51,404) according to the last preceding 1940 Federal Census to authorize the Commissioners' Court to purchase pick-up trucks to be used by the County Commissioners in the discharge of their official business; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hughes, Mr. Davis, Mr. Kersey, Mr. Cato, Mr. Howington and Mr. Ellis:

H. B. No. 800, A bill to be entitled "An Act making unlawful the use of force or violence or threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof; making it unlawful for any person acting in concert with other persons to assemble and prevent or attempt to prevent by force or violence any person from engaging in a lawful vocation and making it unlawful to encourage and aid such unlawful assemblage and providing penalties for the violation thereof; defining the 'labor dispute'; making the provisions of this Act cumulative of existing laws; and

providing a severance or saving clause; and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Howington:

H. B. No. 801, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, Forty-third Legislature, Regular Session, 1933, so as to remove Comanche County from the provision of said law, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Burnaman:

H. B. No. 802, A bill to be entitled "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five years; providing a penalty; repealing all conflicting laws and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Dove:

H. B. No. 803, A bill to be entitled "An Act providing for the protection of the Game and Fish Resources of Limestone County; providing for classification, control and/or destruction of such predatory animals to be vested in the County Commissioners' Court of said County; providing the duty of the County Commissioners, upon application of 25 citizens of such county or precinct shall hold a hearing and determine whether any wild animal is a predatory animal, and that notice be posted for a period of 10 days before said hearing, providing for bounty, providing it shall be legal to take or destroy such predatory animals and sell the hides or pelts thereof, providing a re-hearing; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Bell asked unanimous consent to introduce at this time and have

placed on first reading House Bill No. 796.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Bell, Mr. Carrington, Mr. Bruhl, Mr. Bundy, Mr. Celaya, Mr. Winfree, Mr. Kersey, Mr. Howard, Mr. Shell, Mr. Klingeman, Mr. Coker, Mr. Vale, Mr. Hanna, Mr. Spacek, Mr. Leyendecker, Mr. Dwyer, Mr. Nicholson, Mr. Hartzog, Mr. Little, Mr. Blankenship, Mr. Harris of Dallas, Mr. Chambers, Mr. Howington, Mr. Knight, Mr. Benton, Mr. Cleveland, Miss Files, Mr. Lyle, Mr. Kelly, Mr. Deen, Mr. Stanford and Mr. Kinard:

H. B. No. 796, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by amending portions of, repealing portions of and adding new sections to Chapter 467, Acts of the 2nd Called Session of the 44th Legislature, as amended by H. B. No. 8, Acts of the 3rd Called Session of the 44th Legislature, and by H. B. No. 5, Acts of the Regular Session of the 45th Legislature, and by S. B. No. 20, Acts of the 1st Called Session of the 45th Legislature, in the following particulars: Amending Sections 4 (a), 13, 15 (b), 15 (c), 29, 30, 32, 33, 35, 37, 38, 39, 41 and 42, all of Article I thereof; repealing subsection (d) of Section 3, Article I; amending subdivision (f) of Section 6, Article I; amending subdivisions (2), (5), and (8) of, and adding new subdivision (10) to Section 11, Article I; clarifying qualifications for permits; amending subdivision (6) of Section 12, Article I; amending subsection (9) of, and adding subsection (9 ½) to Section 15, Article I; regulating distillers and others selling liquor for resale in Texas; amending subsections (1), (3), (4), (8), (9), (12) and (17) of, and adding new subsections (18), (19), (20) and (21) to Section 17, Article I; restricting transportation of untaxed liquor; prohibiting unauthorized use of permits; adding new Sections

41-A, 43-A, and 43-B to Article I; providing enhancement of penalties under certain conditions; restricting issuance of permits and licenses under certain conditions; requiring United States citizenship as qualification for permits and licenses; amending subsection (d) of Section 45, Article I; amending subsection (e) of Section 1, Article II; amending subsection (f) of Section 3, Article II; adding new Sections 5-A, 10½-A, 19A, and 19-B to Article II; relaxing restrictions in qualifications for licenses, providing for city ordinances to regulate sale of beer; providing for suspension of permits and licenses; clarifying terms and establishing prohibited practices; amending Sections 6 and 26 of Article II; amending subsections (a), (d), and (e) of Section 7, Article II; adding new subsection (n) to Section 23 of Article II; allocating funds; amending subdivisions (c), (f), and (g) of subsection (1), Section 24, Article II, and adding new subdivision (n) thereto; providing for regulation of marketing practices; establishing penalties; providing savings clauses; and declaring an emergency."

Referred to the Committee on Liquor Traffic.

Mr. Isaacks asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 804.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Isaacks and Mr. Bridgers:

H. B. No. 804, A bill to be entitled "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts."

Referred to the Committee on School Districts.

Mr. Moore asked unanimous consent to introduce at this time and

have placed on first reading House Bill No. 805.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Moore and Mr. Sharpe:

H. B. No. 805, A bill to be entitled "An Act amending Chapter 6, Acts of the 36th Legislature, First Called Session, to provide for the creation of the offices of Criminal District Attorney for each of the counties of the Sixth Judicial District of Texas composed of Fannin and Lamar Counties, and providing for the employment of one or more assistants and one or more stenographers by and with the consent of the Commissioners Court with salaries payable from county funds as fixed by the orders of the Commissioners Court, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

Mr. Shell asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 806.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Shell (by request):

H. B. No. 806, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under general law or by special act of the Legislature, having as many as 602 and not more than 607 scholastics according to the 1940 official scholastic census and wherein there may be situated a city having a population of as many as 1725 and not more than 1730 according to the last preceding Federal Census; and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school districts within ten days from the effective date of

this Act shall draw for positions on any such board of trustees in any such school districts; providing the manner and method of electing trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special, insofar only as they may be in conflict herewith, are repealed; and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Anderson asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 807.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Anderson:

H. B. No. 807, A bill to be entitled "An Act amending Article 3930 of the Revised Civil Statutes of Texas of 1925, relating to certain services and fees of the County Clerks of this State, so that, by this amendment of said Article 3930, the services which such Clerks are required to render will be more clearly set forth; and providing that after this

Act takes effect the County Clerks of this State shall charge and collect a fee of Forty (40) Cents for filing and recording each rental lien or chattel mortgage deposited with them; providing that such Clerks shall neither charge nor collect any fee for entering satisfaction of any rental lien or chattel mortgage deposited with them after this Act takes effect; declaring the intent and purpose of the Legislature; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

On motion of Mr. Kersey, the House at 5:35 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 334, A bill to be entitled "An Act regulating the City Board of Health, the City Health Officer, and the personnel of the City Health Department, in cities with a population between 200,000 and 290,000 inhabitants, according to the last preceding or any subsequent Federal Census; prescribing the number of members of such Board and the qualification of the members of such Board and of said City Health Officer; and prescribing the duties of such Board; prescribing the manner of removal of members of such Board and of the personnel of said City Health Department; providing that in the event any section, subdivision, paragraph, sentence or clause of this Act be held unconstitutional that the remaining portion shall be valid; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 345, A bill to be entitled "An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Article 135a, Vernon's Revised Civil Statutes of Texas, 1925, and to pay salaries of quarantine inspectors for the operation of this station and of agents of the Department of Agriculture in carrying out an extension of the harvesting season as provided for in the Statute referred to; and to pay the salaries of two (2) floral inspectors for the remaining part of the fiscal year in order to properly enforce the provisions of the Texas Orchard and Nursery Inspection Law, Chapter VII, Revised Civil Statutes of 1925, and Chapter X, Revised Criminal Statutes of 1925; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 765, A bill to be entitled "An Act to amend House Bill No. 427, Acts 42nd Legislature, Regular Session, providing that all officers and employees of the State of Texas, any county or political subdivision thereof, including municipalities, who are members of the National Guard, National Guard Reserves, or Organized Reserves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under

provisions of law; limiting the period of absence with pay to twelve (12) days in any one calendar year; providing that such limitation to twelve (12) days absence with pay shall not apply to Members of the Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 76, Expressing congratulations to the Honorable Coke R. Stevenson.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 77, Granting each House the right to adjourn to a certain date.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 78, Authorizing the State Highway Department of Texas to lend to the citizens of Olney and New Castle discarded wire mesh guard fence for the purpose of fencing the grounds of the True Cemetery in the Community of True.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 79, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 230.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 19, "An Act providing for an increase in truck load limit by amending Section 5, Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, Chapter 282, Acts Regular Session, Forty-second Legislature; providing nothing in this Act shall be construed as authorizing an increase in the size or dimension of commercial motor vehicles as provided in the present law; repealing Section 7 of Chapter 282, Acts Regular Session, Forty-second Legislature; amending Section 8 of Senate Bill No. 11, Chapter 42, General Laws, Second Called Session, penalties for violation thereof; amending Section 6cc, Chapter 277, Acts Forty-second Legislature, Regular Session, 1931; providing a saving clause; providing that the enactment of this Act will in no way repeal or affect the provisions of House Bill No. 690, Chapter 349, page 832, of the General and Special Laws of the Regular Session of the Forty-fourth Legislature; providing nothing in this Act shall in any way alter, amend, repeal or modify any part of Chapter 41, Acts Second Called Session, Forty-first Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 229, "An Act authorizing the Commissioners' Court in all counties having a population of not less than six thousand, one hundred (6,100) and not more than six thousand, one hundred and eighty (6,180), and in counties having a population of not less than nine thousand, four hundred (9,400) and not more than nine thousand, six hundred (9,600), according to the last preceding Federal Census, to allow each County Commissioner and County Judge certain traveling expenses while traveling on official business; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 367, "An Act making it lawful to hunt or kill wild foxes in DeWitt County; repealing all laws in conflict therewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 446, "An Act creating a Special Road Law for Brown County, Texas; providing that said County may fund or refund into coupon bonds the scrip and time warrants outstanding against its Road and Bridge Fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith;

providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 513, "An Act creating a special road law for Camp County, Texas; authorizing the Commissioners' Court to issue funding bonds or warrants in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; providing for maturity date of such bonds or warrants and rate of interest thereof; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Camp County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 522, "An Act providing that the salary of County Commissioners, in counties having a population of not less than seventeen thousand, four hundred and seventy-five (17,475) nor more than seventeen thousand, five hundred (17,500), according to the last Federal Census, and having a taxable valuation in excess of Six Million, Eight Hundred Thousand Dollars (\$6,800,000) for the next preceding year, shall be One Thousand, Eight Hundred Dol-

lars (\$1,800) per year, payable out of the Road and Bridge Fund of said county; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 649, "An Act amending House Bill No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty (30) game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act; providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 650, "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen (15) bass, or more than fifteen (15) crappie or white perch, or more than (30) in the aggregate of both bass and crappie or white perch, thirty (30) game fish and thirty-six (36) goggle-eye and bream totaling sixty-six (66), in Harrison or in Marion County, Texas; defining guides, and making it unlawful for guides to

catch, take, or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 708, "An Act to create Road District Number 4, of Lamb County, Texas; defining its boundaries; providing that said District shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges, and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory, including within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article 3, of the Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District Number 2, of Lamb County, Texas, the indebtedness now outstanding against said Road District Number 2, and/or the levy of taxes in payment thereof (a portion of the territory in said Road District Number 2 being included in the territory described in Section 1 of this Act); providing that said Road District Number 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lamb County, Texas, passed by said Court on April 18, 1921, recorded in Book 2, page 8, et seq., Minutes of said Court, and to which order special reference is made by

Chapter 388, Special Laws passed by the Thirty-ninth Legislature, at its First Called Session in 1926, creating said Road District Number 2; providing that nothing herein shall be construed as prohibiting said Road District Number 2 from hereafter issuing road bonds on its faith and credit within the limitations prescribed by Section 52, Article 3, of the Constitution; providing that it shall not be necessary for Road District Number 4, of Lamb County, Texas, hereby created, to vote and issue bonds to compensate Road District Number 2; enacting provisions incident and relating to the subject and purposes of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

March 24, 1941

House Concurrent Resolution No. 76.

House Concurrent Resolution No. 77.

House Bill No. 229.

House Bill No. 367.

House Bill No. 446.

House Bill No. 522.

House Bill No. 708.

House Bill No. 19.

House Bill No. 513.

House Bill No. 650.

House Bill No. 649.

FORTY-SECOND DAY

(Tuesday, March 25, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Anderson
Allen	Avant
Allison	Bailey
Alsop	Baker